

REMARKS

Introduction

Claims 1-29 are pending in this application, wherein claims 1, 9, 11, 13, and 22 have been amended. New claims 28 and 29 have been added and depend from claims 2 and 16, respectively.

Claim Objections

The Examiner has objected to claims 6 and 25 as including certain informalities. More particularly, the Examiner suggested that the term “L-shaped” in the second and fifth lines of claims 6 and 25 should be switched to “second.” The applicant believes that the claims are correct in their present form retaining the term “L-shaped.” As detailed in the specification of the present application, the L-shaped bracket 60 includes first and second portions 62, 66, wherein the first portion 62 is illustratively coupled to the bottom surface 46 of the foot section 26 and the second portion 66 extends illustratively upwardly away from the first portion 62 (pg. 5, ll. 4-7). Furthermore, the Examiner proposed change would cause the claims to be indefinite in that a “second support” has not been introduced in the claim or in a claim from which claims 6 and 25 depend. If the Examiner still believes the claims to be in error, the Examiner is kindly asked to call the Applicant’s attorney to discuss the claims.

§102 Rejections

Claims 1-3, 6-11, 13-16, and 19-27 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,139,917 to Fenwick (hereinafter “Fenwick”). Fenwick discloses a labor, delivery, and patient care bed.

1. Claim 1

Amended claim 1 requires and Fenwick fails to disclose “an L-shaped support configured to move in response to movement of the body,” in combination with “the second portion maintaining a substantially perpendicular disposition relative to the top surface of the body.” In rejecting claim 1, the Examiner cited lower mattress section 30 of Fenwick as a body and cited side rails 25 and footboard 26 as an L-shaped support. As shown in Figs. 1 and 2, the cited L-shaped support 25, 26 is not configured to move in response to movement of the cited body 30 wherein the cited support 26 maintains a substantially perpendicular disposition relative to the top surface of the cited body 30. Accordingly, for at least this

reason, claim 1 is believed to be in condition for allowance. Such allowance is respectfully requested.

2. Claims 2-8

Claims 2-8 depend from claim 1. In that claim 1 is believed to be in condition for allowance, claims 2-8 are also believed to be allowable. Such allowance is respectfully requested. Furthermore, with respect to claims 4 and 5, the Examiner has failed to point out where side portions are believed to be taught by Fenwick.

3. Claim 9

Amended claim 9 requires “a support fixed relative to the body.” The cited support 25, 26 is not fixed relative to the cited body 30. As illustrated in Figs. 1 and 2 in Fenwick, the cited body 30 is configured to move relative to the cited support 25, 26. For at least this reason, amended claim 9 is believed to be in condition for allowance. Such allowance is respectfully requested.

4. Claims 10 and 15

Claims 10 and 15 depend from claim 9. In that claim 9 is believed to be in condition for allowance, claims 10 and 15 are also believed to be allowable. Such allowance is respectfully requested.

5. Claim 11

Claim 11 has been amended into independent form and recites “the support including a first end coupled to the body, a second end coupled to the body, and a middle portion positioned between the first and second ends, the top plane being positioned between the first and second ends and the middle portion.” The Examiner cited lower fixed plate 46, pivotal plate 47, and pivotable supports 48 of Fenwick as the claimed support. Furthermore, the Examiner cited fixed plate 46 as the first end, pivotal plate 47 as a middle portion, and supports 48 as the second end. As shown in Fig. 2 of Fenwick, the top plane of the cited body 30 is not positioned between the first and second ends and the middle portion, as required by amended claim 11.

Furthermore, while fixed plate 46 and supports 48 in Fenwick may include first and second ends of a support (defined as 46-48), fixed plate 46 and supports 48 in their entirety are not properly characterized as first and second ends. One end of the combination of cited support 46-48 is coupled to footboard 26 and the other end of the combination is not coupled to anything. The Examiner’s attempted reading appears to state that because fixed plate 46 and support 48 are coupled to body 30 at all, the ends of fixed plate 46 and support 48 are necessarily also coupled to body 30. Such a reading renders meaningless the

limitation that the end of the support be coupled to the body. While the Examiner must give a term its broadest reasonable meaning, the Examiner may not render a limitation meaningless.

For the reasons provided above, claim 11 is believed to be in condition for allowance. Such allowance is respectfully requested.

6. Claim 12

Claim 12 depends from claim 11. In that claim 11 is believed to be in condition for allowance, claim 12 is also believed to be allowable. Such allowance is respectfully requested.

7. Claim 13

Similarly to claim 11, claim 13 has been amended into independent form and requires “a second support having a first end coupled to the body, a second end coupled to the body, and a middle portion coupled to the L-shaped support.” As discussed with respect to claim 11, the Examiner’s reading renders meaningless the limitation that the first and second ends of the support be coupled to the body. Ends of a support defined as 46-48 of Fenwick extend out away from body 30 to couple to footboard 26 on one end and to selectively abut siderails 25 on the other end. Ends of a support defined as 46-48 do not couple to body 30. Accordingly, for this reason alone, claim 13 is believed to be in condition for allowance. Such allowance is respectfully requested.

8. Claim 14

Claim 14 depends from claim 13. In that claim 13 is believed to be in condition for allowance, claim 14 is also believed to be allowable. Such allowance is respectfully requested. Furthermore, Fenwick fails to teach the limitation that “the top plane of the body is positioned between the middle portion of the second support and the first and second end of the second support.” Accordingly, claim 14 is independently allowable. Such allowance is respectfully requested.

9. Claim 16

Claim 16 requires an end support including “an upwardly extending side portion coupled to the bottom portion.” The Examiner has failed to cite where such a limitation is believed to be taught. Accordingly, the Examiner has failed to make a prima facie case of anticipation with respect to claim 16. For at least this reason, claim 16 is believed to be in condition for allowance. Such allowance is respectfully requested.

10. Claims 17-21

Claims 17-21 depend from claim 16. In that claim 16 is believed to be in condition for allowance, claims 17-21 are also believed to be allowable. Such allowance is respectfully requested.

11. Claim 22

Amended claim 22 requires and Fenwick fails to disclose “a patient support surface supported by the frame, the patient support surface including a back section, a seat section, and a foot section.” The Examiner has cited transverse horizontal member 19 and side rails 23 as the frame. The combination of horizontal member 19 and side rails 23 does not support the alleged foot section 30 as required by claim 22. Accordingly, for at least this reason claim 22 is believed to be in condition for allowance. Such allowance is respectfully requested.

12. Claim 23-27

Claims 23-27 depend from claim 22. In that claim 22 is believed to be in condition for allowance, claims 23-27 are also believed to be allowable. Such allowance is respectfully requested.

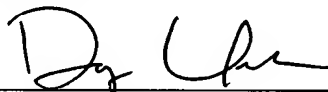
Final Remarks

Applicant notes with appreciation the Examiner's indication that claims 4, 5, 12, 17, and 18 contain patentable subject matter. Claims 28 and 29 have been added and depend from properly allowable claims 2 and 16, respectively. Applicant submits that claims 1-29 are in condition for allowance. Such allowance is respectfully requested.

If necessary, Applicant requests that this Amendment be considered a request for an extension of time for a time appropriate for the response to be timely filed. Applicant requests that any required fees for filing this Amendment be charged to the account of Bose McKinney & Evans LLP, Deposit Account Number 02-3223.

The Examiner is invited to contact the undersigned at the number provided below should any questions or comments arise during the course of reconsideration of this matter.

Respectfully submitted,
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